

REMARKS

In the outstanding Official Action, claim 1 was objected to because of the noted typographical informality. In response, claim 1 is herewith amended to correct the noted typographical error, and it is respectfully submitted that amended claim 1 is now in proper form.

On the merits, claims 1-3 were rejected under 35 USC 102(e) as being anticipated by Tyan et al, for the reasons of record. In response, claim 1 is herewith amended in order to more particularly and precisely define the novel and unobvious features of the instant invention, and it is respectfully submitted that amended independent claim 1, and the remaining claims depending therefrom, are clearly patentably distinguishable over the cited and applied reference for the reasons detailed below.

More particularly, it was suggested in the Action that Tyan discloses, in Fig. 4c and the associated description, a structure which anticipates the instant invention as originally claimed. In response, claim 1 is herewith amended to more particularly and precisely recite that the electroluminescent layer (3) is directly on the first electrode (2), as clearly shown in Fig. 1. This structure, as now more precisely recited in claim 1, is respectfully submitted to be neither shown nor suggested in Tyan, wherein the corresponding electroluminescent layer (14) is not positioned directly on the first electrode

(12R), but rather is spaced apart therefrom by phase layer 20, as clearly shown in cited Fig. 4c.

Additionally, claims 1-3 were rejected under 35USC103(a) as being unpatenable over Dodabalapur et al in view of Jordan et al. It was suggested in the Action that Dodabalapur teaches a device in Fig. 2 which is generally similar to that of the instant invention but admittedly fails to teach the number or order of the layers in the multilayer mirror. It was suggested that Jordan overcomes this deficiency by teaching an appropriate multilayer mirror structure, and that it would have been obvious to one of ordinary skill in the art to combine the multilayer stack structure of Jordan into the electroluminescent device of Dodabalapur.

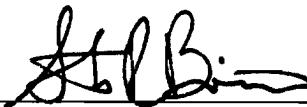
In response, it is respectfully submitted that such a combination is suggested based solely upon the benefit of impermissible hindsight derived from the instant disclosure, as there is no teaching in either reference to suggest that such a combination might be advantageous.

Furthermore, even if it is assumed that the proposed combination of references is proper, it is respectfully submitted that amended claim 1 is not rendered obvious thereby since there are numerous distinctions between the recited structure of the instant invention and that of Dodabalapur. Thus, for example, claim 1 recites a substrate, and a laminated body adjacent the substrate and having a first electrode. In

Dodabalapur, on the contrary, the first electrode (26) is not contained within a laminated body adjacent the substrate (20), but rather is imbedded within the substrate as clearly shown in cited Fig. 2 of the reference. Furthermore, amended claim 1 now specifically recites that the stack of transparent dielectric layers (5) is directly on the second electrode (4), a structure which is clearly distinguishable over Dodabalapur, wherein the analogous layers (21) are spaced apart from the analogous electrode by at least a filler layer (22), a deficiency which is not overcome by the secondary reference.

In view of the foregoing, it is respectfully submitted that independent claim 1, as herein amended to more clearly and precisely define the instant invention, and the remaining claims depending therefrom, are clearly patentably distinguishable over the cited and applied references. Accordingly, it is respectfully submitted that allowance of the currently-pending claims is justified at the present time, and favorable consideration is earnestly solicited.

Respectfully submitted,

By 

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